

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re

KAYAK MANUFACTURING CORP.

Case No. 90-12981 M

Debtor

MARK S. WALLACH, Trustee

Plaintiff

-vs-

AP 92-1102 K

MAJESTIC POOLS & EQUIPMENT CO., INC.
BEAUTY POOLS, INC.
GERALD B. COHEN, Individually and
d/b/a PARAMOUNT ENTERPRISES,
CORTZ INCORPORATED, and
ROBERT DOUGLAS KROTZER, a/k/a
R. DOUGLAS KROTZER

Defendants

BEAUTY POOLS, INC. and
MAJESTIC POOLS & EQUIPMENT CO., INC.

Third-Party Plaintiffs

-vs-

AMERICAN TELEPHONE & TELEGRAPH,
RICHARD GERSPACH, d/b/a ISLAND POOLS,
MONTE QUICK, d/b/a KAYAK POOLS OF
INDIANA, JORNIC ENTERPRISES, INC.,
d/b/a JORY POOLS, and UNITED SERVICES
CORPORATION a/k/a JOHNNY'S POOLS &
SPAS

Third-Party Defendants

SCHEDULING ORDER

The motion for summary judgment by Beauty Pools, Inc. is set for argument on January 26, 1994 at 2:00 p.m. Any amendments to the motion are to address issues of law only. Responding papers are due 10 days before that date, and parties are to consult with chambers as to whether oral argument is actually required.

Phase II discovery is suspended on all issues except those involving causes of action between the Trustee and R. Douglas Krotzer. Voluntary discovery between parties may continue as needed. Further proceedings in the balance of the adversary proceedings are also suspended pending the resolution of Beauty's summary judgment motion. This is without prejudice to other summary judgment motions that parties wish to file that address only issues of law.

Dated: Buffalo, New York
December 7, 1993

/s/Michael J. Kaplan

U.S.B.J.

To: William R. Crowe, Esq.
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